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FILE: GDBDA
Critical

EXPLANATION: SUPPORT STAFF LEAVES AND ABSENCES

MSBA has updated this policy to incorporate new leave requirements made by House Bill 1315 (2012), § 41.1005, RSMo. Only districts with 50 or more employees are required to offer this new Coast Guard Auxiliary leave. If your district does not have 50 or more employees and does not offer this leave, please do not adopt the section on Coast Guard Auxiliary leave.

MSBA has also clarified the language in the sick leave and personnel leave sections.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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SUPPORT STAFF LEAVES AND ABSENCES

Consistent contact with staff is important to support the learning environment and district operation and therefore is an essential duty of a support staff member's position. When a support staff member is routinely tardy, frequently absent or is absent for an extended period of time, district operations deteriorate.

No employee will be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA) or other applicable law (see Board policy GBBDA). Any absences that exceed the number of days allowed in Board policy and are not otherwise authorized by the Board or the Assistant Superintendent for Human Resources will be considered excessive and the employee may be terminated. Even if an absence is authorized by the Board or the Assistant Superintendent for Human Resources, if the absence occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's wages will be docked.

The district may require an employee to provide the district ~~a doctor's note or other~~ verification of illness from a healthcare provider before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

This policy does not apply to temporary or substitute staff members unless otherwise noted.

The following leaves with pay will be provided to full-time support staff employees. Regular part-time support staff employees will receive these leaves on a pro rata basis.

1. **Sick Leave** – Full-time employees shall accrue one day of paid sick leave at the conclusion of each full month of employment. Part-time employees shall accrue sick leave at the conclusion of each full month of employment in proportion to the percentage of full time for which they are employed. Sick leave days may continue to accrue from year to year.

   Absences may be charged against sick leave for the following reasons:

   a. Illness, injury or incapacity of the employee or members of the employee's immediate family. Immediate family is defined as:

      - The employee's spouse.

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- The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.

- Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

The district reserves the right to require a ~~physician~~healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. Family and Medical Leave Act (FMLA) health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave. Certification of potential FMLA-qualifying absences will proceed according to FMLA regulations, even if such absences are paid sick leave.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, district staff members are expected to work regular schedules or use appropriate leave as determined by district administration.

Workers' Compensation

A district employee may ~~not~~ use sick leave in accordance with policy GBEA during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Payment Upon Retirement or Death – Employees of Record June 30, 2011

A staff member who has completed a period of five continuous years of employment for his/her position(s), who has resigned and is eligible for retirement benefits under the Public School Retirement System of Missouri or the Public Education Employee Retirement System of Missouri, or is eligible for total disability under Social Security, or is eligible for Social Security due to age, is eligible for compensation for accumulated days of sick leave. The compensation shall be determined by multiplying the total number of accumulated days of sick leave by the applicable daily compensation rate for substitute personnel not to exceed $70 per day.

Any staff member of the Columbia School District who has completed a period of five continuous years of employment for his/her position(s) will be eligible to receive a direct

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payment of the accumulated leave earned at the date of death, if the death occurs while the individual is employed with the district. All accumulated leave is paid to the estate of the employee. The compensation shall be determined by multiplying the total number of accumulated days of sick leave by the applicable daily compensation rate for substitute personnel not to exceed $70 per day.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time, if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

Payment upon Retirement or Death – Employees Hired on or after July 1, 2011

A staff member who has completed a period of 15 continuous years of employment for his/her position(s), who has resigned and is eligible for retirement benefits under the Public School Retirement System (PSRS) of Missouri or the Public Education Employee Retirement System (PEERS) of Missouri, or is eligible for total disability under Social Security, or is eligible for Social Security due to age, is eligible for compensation for accumulated days of sick leave up to 120 days. The compensation shall be determined by multiplying the total number of accumulated days of sick leave (not to exceed 120 days) by the applicable daily compensation rate for substitute personnel not to exceed $70 per day. Any days accrued beyond 120 will be paid out at $35 per day.

Any staff member of the Columbia School District who has completed a period of 15 continuous years of employment for his/her position(s) will be eligible to receive a direct payment of the accumulated leave earned at the date of death up to 120 days, if the death occurs while the individual is employed with the district. All accumulated leave is paid to the estate of the employee. The compensation shall be determined by multiplying the total number of accumulated days of sick leave (not to exceed 120 days) by the applicable daily compensation rate for substitute personnel not to exceed $70 per day.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time, if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

2. **Personal Leave** – All employees may be allowed three days of paid personal leave each year for reasons other than those charged to the accumulated sick leave. These days, if not used, ~~may~~will accumulate as sick leave. Part-time employees will receive personal leave days on

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a pro rata basis. Employees who begin their employment after July 1will earn personal leave on the following schedule:

July 1-December 31	3 days
January 1-March 31	1.5day
April 1-June 30	0 days

Absences may be charged against personal leave for court appearances, unless applicable law ~~requires no leave be charged to the employee~~or policy provides for paid leave, and for leave~~s connected with duty as a volunteer firefighter, member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or activation by the Federal Emergency Management Agency (FEMA) in times of national disaster~~ authorized by law, policy or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.

Requests for personal leave are subject to prior approval by the immediate supervisor.

Workers' Compensation

A district employee may ~~not~~ use personal leave in accordance with policy GBEA during the period the employee receives Workers' Compensation for time lost to work-related incidents.

3. **Emergency Leave** – Emergency leave may be granted by the Assistant Superintendent for Human Resources for absences that are due to the death, injury and/or illness of a critical or emergency nature, involving members of the immediate family of the staff member. ("Immediate family" is previously defined in this section, #1.a. – Sick Leave.) The Assistant Superintendent for Human Resources may grant emergency leave, based upon the specific circumstances involved, in situations involving the death, injury or illness of a critical nature of persons other than those specifically listed, but with whom a staff member has a similar close relationship.

   Leave may also be granted, within the judgment and discretion of the Assistant Superintendent for Human Resources, in circumstances beyond the staff member's control or which involve unforeseen and complicated circumstances, that necessitate temporary absence of the staff member from the job.

   Leave granted under this section will be paid leave, up to a maximum of ten days for any one emergency, only to the extent of the staff member's fully earned and available paid sick days, and such days absent from work will be subtracted from the staff member's accrued sick leave.

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In addition to the leave provided under this section, an employee may be eligible for additional leave as provided in the section regarding Family/Medical Leave.

4. **Vacations** – All members of the support staff who serve in a full-time, 12-month position shall be eligible for one day of paid vacation per completed month of employment beginning with the month of initial employment.

   After completion of five full consecutive anniversary years and beginning the first month of the sixth anniversary year, the vacation grant shall be one and one-fourth days per completed employment month. After completion of ten consecutive anniversary years and beginning the first month of the eleventh anniversary year, the vacation grant shall be one and one-half days per completed employment month. Part-time support staff employees who work on a 12-month basis accrue vacation on a pro rata basis.

   Vacation shall not accrue to more than 288 hours for full-time employees. Part-time employees shall accrue vacation at the conclusion of each full month of employment in proportion to the percentage of full-time equivalency for which they are employed. Vacation leave may continue to accrue from year to year. A staff member who terminates employment after a period of six months shall be compensated for accrued vacation days not used.

   The scheduling of vacations must be in the best interest of the Columbia School District and is subject to the approval of the superintendent or a designated representative of the superintendent. Staff members are strongly encouraged to use the allowable days of vacation.

   A district employee may ~~not~~ use vacation days in accordance with policy GBEA during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time support staff employees.

1. **Holidays** – Support staff employees shall be eligible for compensation for holidays that fall within their regular annual work calendar. The eligible holidays include New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and the following Friday, Christmas Day and work day immediately preceding and following. However, holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.

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In order to qualify for holiday reimbursement, the employee must complete the regular work day before and after the holiday or his or her absence must be approved by his or her immediate supervisor.

Employees qualified to receive holiday reimbursement and required to work through a holiday shall receive an additional one and one-half times regular pay rate.

Pay rate for holidays shall be the normal pay rate.

2. **Educational Leave** – Employees may be granted educational leave to attend classes or conferences, meet with mentors or conduct other activities intended to improve their professional skills with the district upon the approval of their immediate supervisors. Educational leave must be arranged well in advance and is not considered personal leave.

3. **Military Leave** – Members of the National Guard or any reserve component of any branch of the Armed Services of the United States who are engaged in the performance of duty or training shall be entitled to a leave of absence from their respective duties of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.

   If the time period of military service is determined by the employee, the employee is encouraged to choose times during which school is not in session.

4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.

5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.

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6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.

7. **Subpoenas/Court Appearances** – If an employee is subpoenaed to provide testimony related to his or her duties as an employee of the school district, the absence will not count against any of the employee's leave time. If, however, the employee is subpoenaed or must appear in court for any other reason, the absence will count against the employee's emergency leave time as outlined in the section in this policy addressing *Sick Leave*.

8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.

10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.

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11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall allow the usage of up to 12 weeks of any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

Employees who are ineligible for FMLA leave may take up to six weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued sick leave, personal leave, vacation leave or unpaid leave.

In addition, medical certification shall also be required for any period of requested leave for such purpose occurring more than four weeks prior to the expected due date, as determined by the employee's ~~physician~~healthcare provider. If the employee qualifies for leave under the FMLA, the entire portion of the leave taken for pregnancy-related incapacity will count toward the employee's FMLA leave.

Leave taken for medical conditions related to pregnancy and for which FMLA leave is not available shall be subject to reasonable requirements consistent with business necessity established by the Assistant Superintendent for Human Resources including, but not limited to, requirements related to notice, medical certification and return to duty.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 03/03/1997

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Cross Refs: DLB, Salary Deductions
HA, Negotiations with Employee Representatives
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 320.200, .330 - .339, 494.460, 595~~.036,~~ .209, RSMo.
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 219
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k)
29 C.F.R. § 1604.10
Willis v. School Dist. of Kansas City, 606 S.W.2d 189 (Mo. Ct. App. 1980)
Stewart v. Board of Educ. of Ritenour, 574 S.W.2d 471 (Mo. Ct. App. 1978)
Aubuchon v. Gasconade County R-1 Sch. Dist., 541 S.W.2d 322 (Mo. Ct. App. 1976)

Columbia School District No. 93, Columbia, Missouri

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